

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

MICHAEL BOWER, )  
                        )  
Petitioner,         )  
                        )  
v.                     ) Case No. CIV-05-857-F  
                        )  
RON WARD,            )  
                        )  
Respondent.         )

**REPORT AND RECOMMENDATION**

Mr. Michael Bower has filed a petition for habeas relief. With the petition, he filed an application for leave to proceed *in forma pauperis*. The application indicates that Mr. Bower has \$1090.41 in his institutional account, and the filing fee is only \$5.00.<sup>1</sup> Because Mr. Bower has adequate funds for the filing fee, the undersigned recommends that the Court: (1) deny the application for leave to proceed *in forma pauperis*, (2) order payment of the filing fee within twenty days,<sup>2</sup> and (3) dismiss the action without prejudice if Mr. Bower fails to timely pay the filing fee or show good cause for the failure to do so.<sup>3</sup>

The Petitioner is advised of his right to object to this report and recommendation by August 22, 2005. *See* W.D. Okla. Local Civil Rule 72.1(a). If the Petitioner does object, he

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<sup>1</sup> See 28 U.S.C. § 1914(a) (2000).

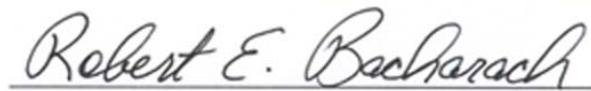
<sup>2</sup> See W.D. Okla. LCvR 3.3(e).

<sup>3</sup> See W.D. Okla. LCvR 3.3(e); *see also Cosby v. Meadors*, 351 F.3d 1324 (10th Cir. 2003) (upholding dismissal of a federal inmate's civil rights complaint based on noncompliance with orders requiring installments on the filing fee or to show cause for the failure to pay), *cert. denied*, \_\_\_ U.S. \_\_\_, 124 S. Ct. 2109 (2004).

must file a written objection with the Court Clerk for the United States District Court, Western District of Oklahoma. The Petitioner is further advised that if he does not timely object, he would waive his right to appellate review over a denial of pauper status in the district court. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This report and recommendation does not terminate the referral.

Entered this 1st day of August, 2005.

  
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Robert E. Bacharach  
United States Magistrate Judge